

- from the Bureau; and
- prohibit the use of any unfair, deceptive, coercive, fraudulent or misleading solicitation practices.

**Remember**, even though your organization may hire a professional solicitor to conduct the solicitation campaign, **your organization is accountable for actions taken on its behalf**, and can be held responsible for any violations of the Charities Act and Consumer Protection Law committed by solicitors requesting contributions on your organization's behalf. It is required by law that your organization exercise control over the fundraising activities conducted for its benefit.

Failure to adhere to the provisions of the Charities Act may subject your organization and your solicitor to criminal and civil penalties, including fines and injunctive relief, such as prohibitions from conducting solicitations for a period of time into the future or limiting the ways in which the solicitations can be conducted.

### **UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW**

Even if your solicitation campaign does not involve a charitable appeal, the Unfair Trade Practices and Consumer Protection Law (Consumer Protection Law) may regulate your solicitations. The Consumer Protection Law prohibits unfair or deceptive acts or practices in the sale of any goods or service within the Commonwealth. For example, this includes the sale of tickets to special events and the sale of advertisements.

Among the unfair or deceptive acts prohibited by the Consumer Protection Law are the following:

- misleading consumers about who sponsors a fundraising campaign;
- causing likelihood of confusion or of misunderstanding as to how one organization may or may not be affiliated, connected, associated with, or certified by, another;
- representing that goods or services have sponsorship, approval, characteristics, uses, benefits or qualities that they do not have;
- implying or stating that a person has a sponsorship, approval, status, affiliation or connection that he does not have; and

- engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.

Failure to comply with the provisions of the Consumer Protection Law may subject your organization to civil penalties, including fines and injunctive relief, which could temporarily or permanently prohibit your organization from conducting fundraising in Pennsylvania or limit the way in which the solicitations can be conducted.

If you have any questions regarding the Unfair Trade Practices and Consumer Protection Law, contact :

**Office of Attorney General  
Bureau of Consumer Protection  
14th Floor, Strawberry Square  
Harrisburg, PA 17120**

**1-800-441-2555  
TDD # 1-800-382-4814**



<http://www.attorneygeneral.gov>

## **10 TIPS FOR PUBLIC SAFETY ORGANIZATIONS WORKING WITH PAID SOLICITORS**

- ✓ **Research the "track record" of professional solicitors; ask for and check all references.**
- ✓ **Put your contract in writing.**
- ✓ **Open the bank account in the name of your public safety organization.**
- ✓ **Determine who will be responsible for distributing show tickets and/or other items involved in the fundraising.**
- ✓ **Require that the solicitor use only material reviewed and approved by your organization.**
- ✓ **Specify ownership of donor lists.**
- ✓ **Make periodic, unannounced visits to the solicitor's phone room(s).**
- ✓ **Review the sales records and financial records of the campaign at least weekly.**
- ✓ **Obtain copies of the original invoices, receipts, bank statements, checks and deposit slips.**
- ✓ **Monitor all expenses to be sure that they are reasonable and necessary.**

# **Fundraising for YOUR Public Safety Organization?**



**PROTECT  
YOURSELF!  
KNOW THE  
LAW,  
BEFORE  
YOU CALL!**

**Attorney General  
Jerry Pappert**



*Dear Fellow Law Enforcement Officers:*

*Every day you risk your lives to make our communities safer. Pennsylvanians are eager to show their support for law enforcement when*

*asked to contribute to your organizations. You should know that in an effort to protect both the public and the organizations seeking to raise funds, Pennsylvania enacted laws regulating charitable solicitations in the Commonwealth.*

*This brochure is designed to provide general guidelines for you and members of your organizations about Pennsylvania laws regulating solicitations. It is important that your organization — and those acting on its behalf — are aware of their duties and obligations relating to fundraising in Pennsylvania.*

*I encourage you to seek independent legal advice on the specific details of your fundraising campaigns to ensure that you are in compliance with Pennsylvania’s solicitation laws.*

*I hope you find this brochure helpful.*

*Sincerely,*

**Gerald J. Pappert**  
Attorney General  
Commonwealth of Pennsylvania

**WHEN RAISING FUNDS:**

**CHOOSE A SOLICITOR WISELY.** Make sure that you are working with a reputable solicitor. Research the solicitor’s background and check references. Your organization may also want to compare contract terms and track records against other solicitors registered with the Department of State’s Bureau of Charitable Organizations. Contact the Better Business Bureau to see if any complaints have been filed against the firm, or contact the Office of Attorney General, to see if any legal action has been filed against the firm.

**CAREFULLY PREPARE AND REVIEW THE CONTRACT.** Negotiate the terms of the fundraising contract and clearly designate each party’s responsibilities.

**YOU ARE RESPONSIBLE.** Remember, even though your organization may hire a professional solicitor to conduct a fundraising campaign, **your organization is accountable for actions taken on your behalf.** Your organization can be held responsible for violations of the law committed by solicitors you have hired. The law requires you to exercise control over your fundraising activities.

**MONITOR THE SOLICITATION CAMPAIGN.** Maintain regular contact with your solicitor throughout the campaign. Monitor the solicitor to make sure it is using authorized materials. Keep track of the flow of money and examine all expenses to be sure that they are reasonable. Track consumer complaints by providing a contact number so that consumers can call your organization, rather than the solicitor, with questions and concerns.

**IF IN DOUBT, ASK!**

If you have any concerns or questions regarding a solicitation, contact:

Office of Attorney General  
Charitable Trusts and Organizations Section  
15th Floor, Strawberry Square  
Harrisburg, PA 17120  
**1-800-441-2555**  
**TDD # 1-800-382-4814**

Information and materials regarding registration may be obtained by calling, toll-free within Pennsylvania, 1-800-732-0999, or by writing the Department of State, Bureau of Charitable

Organizations, 124 Pine Street, Suite 300, P.O. Box 8723, Harrisburg, PA 17105.

**WHAT THE LAW SAYS:  
THE SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES ACT**

The Solicitation of Funds for Charitable Purposes Act (also known as the Charities Act), requires charitable organizations and their solicitors to register with the Department of State, **prior** to conducting solicitations. This registration requirement helps protect Pennsylvanians by requiring full public disclosure of the identity of persons who solicit contributions, the purposes for which the contributions are solicited and the way in which they will actually be used. The Charities Act also regulates the way charitable organizations conduct solicitations.

Generally, the Charities Act excludes law enforcement organizations from the definition of charitable organizations. However, a law enforcement organization is considered a charitable organization and is required to register under the following conditions:

- the stated purpose in the solicitation includes a benefit to any person outside the actual active membership of the organization; and
- the solicitation seeks contributions for a charitable purpose.

“Charitable purpose” is defined by the Charities Act as:

Any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic or other eleemosynary objective, **including an objective of any bona fide duly constituted organization of law enforcement personnel, firefighters or other persons who protect the public safety if a stated purpose of the solicitation includes any benefit to any person outside the actual active membership of the organization.**

In other words, if your organization and those acting on its behalf limit the language and nature of the request for donations to the benefit of your members, the solicitation is not regulated by the

Charities Act. However, should your organization or those acting on its behalf use an appeal that at any time states or suggests that contributions will provide a benefit to anyone outside your active membership, the appeal becomes charitable within the meaning of the Charities Act and all provisions of the Charities Act apply to your organization and the solicitor.

Examples of these solicitations are when your organization conducts a fundraiser:

- involving the sale of tickets to an event such as a circus and representations are made that the donations will be used to send underprivileged children to the event; or
- including an appeal to benefit those outside the active membership of the soliciting organization, such as the consumer’s local police department. Typically, not all members of a local police department are also members of a law enforcement organization and thus, a solicitation stating a benefit to local police provides a benefit outside of the soliciting group’s active membership.

If your organization is covered by the Act, there are many important provisions which require organizations and their solicitors conducting charitable appeals to:

- register and be approved by the Bureau, **PRIOR** to beginning any solicitation activities;
- file and receive approval of the fundraising contract and solicitation notice from the Bureau, **PRIOR** to beginning any solicitation activities;
- use oral and written disclosures in all solicitations stating that the solicitation is being conducted by a professional solicitor, identifying the legal name of the solicitor and of the charitable organization and providing a full description of the charitable purpose for which the funds are being raised;
- provide a written disclosure that the registration and financial information of the organization can be obtained